

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 20-1744-CFC
	)	
WALMART INC. AND WAL-MART	)	
STORES EAST, LP,	)	
	)	
Defendant.	)	
	)	

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**RESPONSE TO NOTICE OF SUPPLEMENTAL AUTHORITY**

In its Notice of Supplemental Authority (D.I. 102), the Government cites an agency order in *Morris & Dickson Co., LLC*, 88 Fed. Reg. 34,523 (May 30, 2023), revoking a distributor's Certificates of Registration under 21 U.S.C. § 824(a)(4) and 21 U.S.C. § 823(b), (e). Nothing in that *revocation* decision bears on whether the Controlled Substances Act imposed *civil monetary penalties* for failing to report suspicious orders prior to October 2018. (D.I. 94 at 15-17.) Nor does this agency decision address whether the CSA imposes civil penalties based on a distributor's inadequate suspicious order monitoring system. *Id.* at 18. It therefore does not bear on Walmart's pending motion.

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